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MESSAGE

OF THE

GOVERNOR

OF PENNSYLVANIA

TO THE GENERAL ASSEMBLY

1906.

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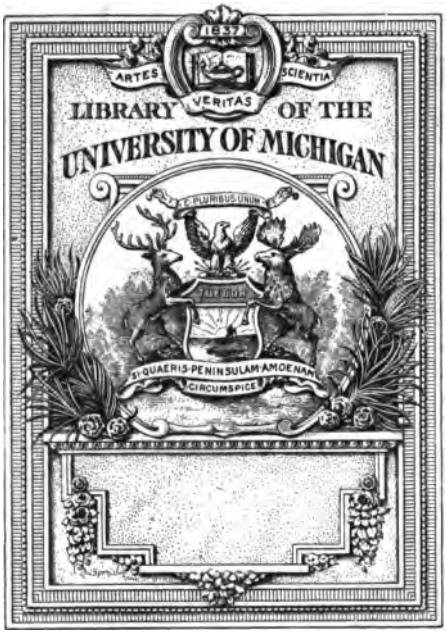

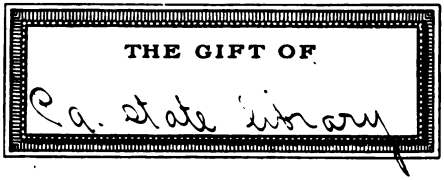

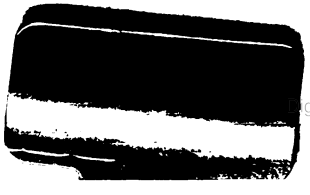

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MESSAGE

OF THE

GOVERNOR OF PENNSYLVANIA Governor

TO THE

GENERAL ASSEMBLY,

EXTRAORDINARY SESSION, JANUARY 15, 1906.

HARRISBURG, PA.:
HARRISBURG PUBLISHING CO., STATE PRINTER.
1906.

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MESSAGE OF THE GOVERNOR.

Executive Department,
Commonwealth of Pennsylvania,
Office of the Governor,
HARRISBURG, *January 15, 1906.*

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: The legislation enacted at the last general session of the Legislature deserves as a whole very high commendation. There was an absence of those coruscations following the exploitation of crime and scandal which appear to be so pleasing to many unthinking people, and the attention of the legislators was, instead, directed toward measures looking to the advancement of our life and to the substantial benefit of the community. Results of far reaching importance were accomplished. The National Government is making an earnest effort to curtail the effects of the exercise of the powers wielded by the great corporations of the country. It is far better to correct evils in their causes than it is to endeavor to escape the consequences. It is wiser to prevent the improvident grant of inordinate powers than to restrain their exercise after they have been granted. An easy modern method of enabling one man to get possession of the property which belongs to another is to authorize him to organize a corporation and then to give to the corporation the right of eminent domain. It is honorable to the Commonwealth that during the last two sessions of the Legislature there has been no extension of this right, and at the last session it was taken away from the private water companies which were rapidly seizing all of the streams of the State. This is believed to be the first pronounced conservative step taken by any one of the States in the way of curbing at the beginning and not at the end what is one of the most evil of modern tendencies. Of recent years, all over the country, and especially in the South, there has been an increase of certain forms of personal violence, and these have often been met by local outbursts of popular fury until the minds of men have grown accustomed to lynchings and even to burnings at the stake. One instance of death by fire caused by

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a mob occurred within a few miles of the borders of the State. Instead of waiting to grieve over such violations of the law, the Legislature at its last session provided means by the establishment of a mounted constabulary to prevent their occurrence. It is an experiment, the outcome of which is being watched with great interest both at home and abroad. Measures were taken for the maintenance of the health of the people, for the collection of their vital statistics, for the improvement of their highways, for the preservation of the purity of their water supplies and their foods, for the protection of their orchards, and for the amelioration of the conditions of the employment of women and children. A law was passed to call into existence a great city at the western end of the State, and another which provided for the deepening of the channel of the Delaware, and aroused the activities of the city of Philadelphia more immediately interested in the success of the project. The public printing was overhauled, and the issues from the press of the State Printer much reduced in volume and expense. Ethical considerations were not forgotten, and an effort was made to preserve for the future the ties of family and home by calling a convention of delegates from all of the States to endeavor to establish a uniform system of legislation throughout the country upon the subject of divorce. The suggestion has met with wide and favorable response. In fact, it may well be doubted whether any previous session of the Legislature was more fruitful in good works or did more for the advancement of the public welfare. Since its adjournment, a wave of popular and political unrest and commotion has spread over the land and left its impress in our own Commonwealth, as well as elsewhere. Such upheavals, to whatever causes they may be due, are to be regarded not as disasters, but as opportunities. It is at such times that much may be accomplished by wise legislators to enhance the public weal. The unfortunate failure of the Greater Pittsburg legislation through the finding of the Supreme Court that the act was unconstitutional, and the failure of a bank, incorporated and supervised by the National Government, holding at the time a large amount of State funds, have given the legal occasion for the calling of the Legislature together in extraordinary session under Article IV, Section 12, of the Constitution. I have, beside, been unwilling that the present popular disturbances should subside without securing more permanent results than the substitution of one contractor for another, the removal of incumbents from office, the overthrow of one political party or faction and the elevation of their opponents, and the suppression of one private ambition in order that another may be fostered and gratified. I have, therefore, called you together in special session, and have named for your consideration certain

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subjects, no one of which can have about it anything of personal advantage, and all of them, if embodied in legislation, will enure to the public good. The opportunity to do much to help the Commonwealth in these respects has come to you rather than to your predecessors or successors. The responsibility rests with you. The platforms of political parties and the editorials of public journals are interesting, but they are advisers and critics only, not actors. You, and you alone, have the power to determine. The confidence of the people has vested you with authority. Upon you is imposed the duty. If you decide wisely you will have given a fitting climax to useful legislative labors, and done much to promote the welfare and maintain at its present elevation the reputation of the Commonwealth. Should you unhappily fail, the failure will be the more conspicuous and the unfortunate results the more widespread because of the unusual character of the situation. On the other hand, should you succeed you will have proven that to-day men in Pennsylvania are capable of rising above the din and clatter that beset them to the heights of pure statesmanship, and you will possess to the end of your lives that "mens sibi conscia recti," the mind conscious in itself of right, which the poet two thousand years ago depicted and which remains to-day the most satisfactory of all consolations.

The union of the cities at the junction of the Allegheny and Monongahela rivers into one municipality is a subject of importance to the Commonwealth, and of interest to the people who there have their residences and conduct their occupations. These cities have arisen from the same conditions, and their citizens following the same pursuits and striving to accomplish the same ends are naturally identified and ought to be saved from the expense of a duplication of offices and the confusion which comes from the development of dual municipal administrations. That the Legislature gave heed to these obvious needs is evidenced by their recent action, and they ought not to cease in their efforts because of the failure of the bill then enacted. Care should be taken to obviate the objections of the Supreme Court. The Court did not say that cities in order to be united should be remote and not contiguous, nor that they should be in different counties, nor did they say that because there are only two such cities it is impossible, under the Constitution, to unite them. The ground of the decision was that there was enough in the act under consideration to show that it was intended to be limited to two specific cities and was, therefore, local and special. A law enabling such cities to be united is in no sense local legislation, if its terms be broad enough to include other possible cities having like needs and to make it clear that there is no exclusion of them and no limitation to certain

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particular cities. The history of the world shows that every great municipality has led to the growth of others in the immediate vicinity. Instead of being remote possibility, it is inevitable certainty and arises from the natural desire of men to get the benefit and escape the burden. Babylon crossed the Euphrates; Rome the Tiber; Antwerp the Scheldt; London the Thames; Paris the Seine; New York the East River; and Philadelphia the Schuylkill. Opposite every municipality along the Susquehanna, the Schuylkill and the Lehigh, another of more or less strength has appeared, and with the rapid extension of our population and wealth many of them ere long will be cities. Their union is likewise inevitable, just as Brooklyn became a part of New York, and Germantown became a part of Philadelphia. The necessary authority ought to be given. The competent legislator provides for the immediate future, refusing to close his eyes to all that is not thrust before them, and where the conditions are favorable villages become cities as certainly and naturally as youth grows into manhood.

The financial efforts of most of the States of the Union are directed towards securing sufficient revenue to meet the expenses of administration and pay the interest on the State obligations. In Pennsylvania, our concern is of a different character. Thanks to the foresight of those who in the past have had control of her affairs, a financial system was adopted which has had the result that the State has no debt except a comparatively small sum covered by the Sinking Fund, and her revenues during the year 1905 amounted to the unprecedented sum of $24,269,119.72. No calculations can, however, be safely made based upon the continuance of such annual returns. Our revenues are collected from the corporations and depend in the main upon their successful operation. A monetary revulsion may occur when least expected. A change in the control of the national government followed by a change in the policies which have proven so beneficial in the development of all processes of manufacture would doubtless result in a pronounced and immediate reduction of the revenues of the State. The next, or some subsequent Legislature, it is to be hoped, will take into consideration the suggestion of my last message that a tax be placed upon coal, and that the people be relieved by the State, through payments to the counties, from the burdens of taxes imposed by the counties for school purposes. Meanwhile the question confronting us is how best to husband and take care of the public moneys. Up to the present time nothing has ever been lost from the State Treasury by defalcation. When the national bank, to which reference has heretofore been made, failed, the State Treasurer held as security for the State deposits not only the bonds of three surety companies, but likewise the bonds of the directors of the bank

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given as individuals. Judgments were at once entered upon these latter bonds, and the Common Pleas Court has since decided that there is no ground of defense against the judgments. A large proportion of the State deposit, amounting to $376,755.37, has already been paid into the Treasury and the whole appears to have been amply safeguarded. Nevertheless the event is a warning of what may occur and ought to be heeded. The interest now paid to the State by the banks and trust companies for the use of the State deposits is two per cent. per annum. There is a widespread opinion among persons who ought to be informed that this is as much as can properly be charged. The first consideration is safety and not large returns. The banks ought to have a reasonable profit from the use of the moneys, taking into consideration risks as well as earnings, and all of the rest of the interest paid by those who borrow these moneys from the banks ought to be paid to the State. There ought to be no margin which could possibly be paid for any other purpose or to any other person in connection with them. Where this line should be drawn you will have to determine, but probably an increase of one-half per cent. in the interest charged would be as much as could safely be imposed. The amount deposited with each institution should be limited with reference to its capital and surplus, and in my view ought not to be more at any one time than three-fourths of the total of these two sums. It ought also to be made a misdemeanor, punishable by fine and imprisonment, to pay, offer or receive any consideration for the use of such moneys other than the interest payable to the State, or to make or accept any promise based upon alleged ability to secure the deposit of them. The views of leading bankers throughout the Commonwealth upon the subject of means to protect the State moneys have been requested and will later be submitted for your consideration.

The time has come when a reapportionment of the State into Senatorial and Representative districts, in compliance with the command of the Constitution, must be made. It is enough to say that you are required by the fundamental law, your oaths of office and your consciences, to make this reapportionment, but were anything more needed, it is manifest that the present division of the State is a misfit which grows into greater disproportion with each day and is fraught with gross injustice. Some men are deprived of their right and others are loaded with what does not belong to them. The difficulties in the way must be overcome. It is unnecessary to repeat here what was fully presented in my last message, to which you are referred, but the Constitution itself offers almost insuperable obstacles and cannot in all of its details of method be followed. It must, therefore, yield in what is of least importance to such an extent as to permit an apportionment to be made.

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In construing the instrument, we must draw a distinction between the mandate to divide the State into districts, which is absolute, and must be obeyed, and the method provided, which is directory only, and is not of the same fundamental importance. This method ought to be followed as closely as possible, but where the result cannot otherwise be secured must be set aside. By dividing the lines of a few of the counties, a fairly equitable apportionment may be made, and one in accord with all of the other requirements.

Section VII, Article 8, of the Constitution, as amended November 5, 1901, adopted by a vote of the people, contains provisions which make clear a purpose to establish by legislation a personal registration of the voters, and permits such legislation upon the subject as may apply alone to cities. I, therefore, again recommend that you pass a proper act providing for such registration.

At the last session of the Legislature three bills were passed changing the manner of selecting the heads of certain of the departments in cities of the first class. The effect of these bills was to lessen the power of the mayor, and to increase that of the people. Before their passage there had been little or no public discussion concerning them, and since that time there has been a change in the political control of the city and there have been fuller opportunities for learning the views of its citizens with respect to them. I have, therefore, included this subject in the call for the extraordinary session in order that you may give further consideration and attention to this legislation if you should deem it advisable. After hearing large delegations of interested people, and consulting with all who had any thought to present, including some of the most capable lawyers of the State, and giving the most careful study to the questions involved, one of the bills was approved with some qualification, and two were disapproved in a message to which you are referred. The conclusions then reached were:

1st. The experience of nations and communities leaves us in much uncertainty as to whether the concentration or dissemination of power affords the better system of government.

2d. The powers vested by previous legislation in the Mayors of cities of the first class is too great to be conducive to the permanent welfare of the citizens.

3d. The Governor ought not, by the exercise of the veto power, arbitrarily to thwart the will of the people expressed by their legislators upon a subject so important as the determination of fundamental principles of government.

4th. Whichever form of government be the better adapted to the public needs, a sudden and radical change from one to the other is not to be encouraged.

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Each of these propositions I believe to have been correct then and to be correct now. In reaching your conclusions, you ought to consider and give due heed to the opinions of the citizens of Philadelphia, since they are deeply concerned in the result.

Under existing legislation the Board of Public Grounds and Buildings is required to rebuild, at the expense of the State, all of the county bridges which may be destroyed by flood. During the last year the expenditures for this purpose have reached the large sum of $976,938, due mainly to the destruction caused by flood in the Susquehanna River two years ago. There ought to be a limitation placed upon the amount to be expended each year for this entirely proper purpose, for the reason that if a time of great disaster by flood should be coincident with a time of diminished revenues, the Treasury might be seriously embarrassed. If the counties were required to pay a certain proportion of the expense, say one-third, it would probably lead to more earnest efforts to save the bridges and the wreckage, and to less expenditure in their construction.

I recommend that the fees collected by the Secretary of the Commonwealth and the Insurance Commissioner be hereafter paid into the Treasury of the Commonwealth, and that a proper salary be paid to each of these officials as sole compensation. The continuance of fees, in whatever public office the system may survive, is a vicious anachronism.

Legislation ought to be enacted which will require the primary elections of all political parties within the Commonwealth to be held on the same day, at the same time, under the supervision of properly constituted officers.

A system of civil service for the Commonwealth should be established under the terms of which the routine appointments may only be made after the ascertainment of qualifications and fitness, and providing for the retention of their offices by the incumbents during good behavior.

There ought to be a legal designation of the purposes for which moneys may be expended in political campaigns, and in securing nominations, and the committees and managing authorities of political parties should be required to file after each campaign, with some designated official, a statement, under affidavit, showing in detail the sums which have been expended and the purposes for which the expenditures were made.

All of the good people of the Commonwealth await with keen interest the outcome of your deliberations.

SAML. W. PENNYPACKER.

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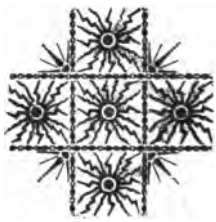

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